

Appl. No. 09/840,551

Amdt. Dated June 29, 2004

Reply to Office Action of March 29, 2004

REMARKS

Reconsideration of the application is requested.

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of applicants' claim for priority under 35 U.S.C. § 119(a)-(d). The Examiner noted that applicant has not filed certified copies of the priority applications as required by 35 U.S.C. § 119(b). The undersigned counsel for the Applicants will file these documents upon receipt thereof.

Claims 1-4 are in the application. Claim 1 has been amended.

In item 1 on page 2 of the above-identified Office Action, the Examiner objected to the specification due to various informalities. The Examiner's suggested corrections have been made.

In "Claim Rejections - 35 USC § 103" item 2 on page 2 of the above-identified Office Action, claims 1, 3, and 4 have been rejected as being obvious over U.S. Patent No. 6,643,321 to *Genossar, et al.* (hereinafter **GENOSSAR**) in view of U.S. Patent No. 5,278,865 to *Amrany, et al.* (hereinafter **AMRANY**) under 35 U.S.C. § 103(a).

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In "Claim Rejections - 35 USC § 103" item 3 on page 4 of the above-identified Office Action, claim 2 has been rejected as being obvious over **GENOSSAR** in view of U.S. Patent No. 5,594,612 to *Henrion* (hereinafter **HENRION**) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

While the rejections indicated in items 2 and 3 of "Claim Rejections - 35 USC § 103" on pages 2 and 4 of the above-identified application are noted, applicants respectfully submit, as will be seen from the following, that **GENOSSAR** is not available as a prior art reference against the instant application.

The instant application claims priority of the German patent application 198 48 797.5, filed October 22, 1998. The invention described and claimed herein was reduced to practice prior to September 30, 1998, the effective filing date of **GENOSSAR**.

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Enclosed herewith is an unsigned copy of a Declaration under 37 CFR § 1.131 and a copy of a signed invention disclosure (*Erfindungsmeldung* - dated May 11, 1998) averring and corroborating the earlier invention date. The invention disclosure is accompanied by a certified translation illustrating that the invention had indeed been reduced to practice and that the inventors were in full possession of the invention **prior to September 30, 1998.**

Applicants' are prepared to provide a signed copy of the enclosed Declaration under 37 CFR § 1.131 averring and corroborating that the inventors were in full possession of the invention **prior to September 30, 1998** (less than one month earlier than the filing date of the German patent application of the present invention).

In view of the foregoing, the Examiner is requested to withdraw the rejections under 35 U.S.C. § 103 in items 2 and 3 "Claim Rejections - 35 USC § 103" on pages 2 and 4 of the above-identified office.

The **AMRANY** reference discloses a timing recovery scheme for a transceiver using a single sample clock source for transmitting and receiving signals. **AMRANY** does not overcome the deficiencies resulting from the removal of **GENOSSAR**.

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The **HENRION** reference discloses an analog to digital converter with digital linearity correction. **HENRION** does not overcome the previously discussed deficiencies of **AMRANY**. Nor does **HENRION** overcome the deficiencies resulting from the removal of **GENOSSAR**.

Clearly, **AMRANY** and **HENRION** do not show "a monolithically integrated" controllable oscillator circuit where "only said oscillating crystal is implemented as an external component" as recited in claim 1 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-4 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a

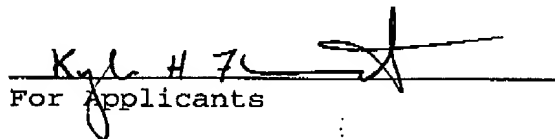
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telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
For Applicants

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KHF:cgm

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